

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

MAJOR GENERAL  
THOMAS P. HARWOOD III  
1402 Middlebury Drive  
Alexandria, VA 22307

Plaintiff,

vs.

AMERICAN AIRLINES INC.  
4333 Amon Carter Blvd., MD 5675  
Fort Worth, TX 76155,

Defendant.

Case No. 1:17-cv-00484-GBL-JFA

**DEFENDANT AMERICAN AIRLINES INC.'S MEMORANDUM OF LAW  
IN SUPPORT OF ITS MOTION FOR EXTENSION OF TIME TO FILE ITS NOTICE  
OF APPEAL**

Defendant American Airlines, Inc. ("American") hereby asks this Court to exercise its discretion under Fed. R. App. P. 4(a)(5) to extend the time for it to file a notice of appeal of this Court's oral rulings made at the hearing on April 13, 2018. As this Court is aware, the parties in this matter filed cross-motions for summary judgment, which resulted in a hearing held by the Court on April 13, 2018. At the hearing, the Court made certain rulings from the bench. Following the hearing, a docket minute entry was issued that directed the parties to schedule a mediation with Judge Anderson and also stated, "Court grants motion on plaintiff's behalf on the rehire issue. Order to follow." (ECF No. 48).

American does not consider the Court's bench rulings to have been final orders that must be appealed. Nonetheless, in an abundance of caution, American seeks additional time to file a Notice of Appeal. Fed. R. App. P. 4(a)(5) permits this Court to extend the time for filing a notice

of appeal upon a timely motion in which the party can demonstrate “excusable neglect or good cause.” Here, American has filed this motion before any possible time to file the Notice of Appeal has expired. Good cause for the extension exists not only due to questions as to whether the oral rulings must be appealed from, but also because the parties have scheduled a settlement conference with Magistrate Judge Anderson for May 29, 2018 that may obviate the need for an appeal.

Accordingly, American respectfully requests that the Court either (a) clarify that there is not yet any final order to appeal from in this case; or (b) extend the time by which Defendant must appeal to June 12, 2018, as permitted by Fed. R. App. P. 4(a)(5)(C).

Respectfully submitted,

**JACKSON LEWIS P.C.**

Date: May 11, 2018

By: /s/ Matthew F. Nieman

Matthew F. Nieman (VA Bar No. 47231)

Conrad S. Kee (*admitted pro hac vice*)

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on May 11, 2018, a true and accurate copy of *Defendant's Memorandum of Law in Support of the Motion for Extension of Time to File Notice of Appeal* was filed electronically with the Clerk of the Court and served electronically using the CM/ECF system upon:

Adam Augustine Carter  
R. Scott Oswald  
The Employment Law Group, P.C.  
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*Counsel for Plaintiff*

/s/ Matthew F. Nieman  
Matthew F. Nieman